

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CALVIN ROBINSON, JR.,

Plaintiff,

Case No. 20-cv-10499

Hon. Matthew F. Leitman

v.

RYAN CHAPKO,

Defendants.

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 43) AND (2) DENYING
PLAINTIFF’S MOTION FOR A DEFAULT JUDGMENT (ECF No. 39)**

On February 27, 2020, Plaintiff Calvin Robinson filed a *pro se* civil-rights Complaint in this Court against Defendant Ryan Chapko, a Clayton Township police officer, the Clayton Township Police Department, the Flushing Township Police Department, and the City of Flushing Police Department under 42 U.S.C. § 1983. (*See* Compl., ECF No. 1; Am. Compl., ECF No. 5.)

On January 12, 2021, Robinson filed a motion for a default judgment with respect to Defendant Chapko. (*See* Mot., ECF No. 39.) Robinson argued that even though he had served Chapko with the Complaint and Amended Complaint, Chapko had “fail[ed] to appear.” (*Id.*)

The motion was referred to the assigned Magistrate Judge, and on February 2, 2021, the Magistrate Judge issued a Report and Recommendation in which he

recommended that the Court deny the motion (the “R&R”). (*See* R&R, ECF No. 43.) The Magistrate Judge explained that Chapko had appeared in this action, and he concluded that Robinson had “not shown that the entry of a default, let alone a default judgment, would be proper in this case.” (*Id.*, PageID.176.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of the recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.176-177.)

Robinson has not filed any objections to the R&R. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Robinson has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommended disposition of Robinson’s motion for a default judgment is **ADOPTED**.

IT IS FURTHER ORDERED that Robinson’s motion for a default judgment (ECF No. 39) is **DENIED**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: April 13, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 13, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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